

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

Annual Assessment of the Status of)
Competition in the Market for the)
Delivery of Video Programming)

MB Docket No. 07-269

REPLY COMMENTS OF CABLEVISION SYSTEMS CORPORATION

Cablevision Systems Corporation (“Cablevision”), by its counsel, hereby submits reply comments to the Supplemental Notice of Inquiry in the above-captioned proceeding.^{1/}

INTRODUCTION AND SUMMARY

The New York Metropolitan Area (“NYMA”) video marketplace in which Cablevision operates is the most competitive in the nation and offers many consumers a choice of up to five multichannel video programming distributors.^{2/} Verizon and AT&T, both companies much larger than Cablevision,^{3/} have entered the market as vigorous competitors and are rapidly expanding.

Nevertheless, Verizon and AT&T reiterate their request for an unwarranted expansion of the program access rules to cover terrestrially-delivered cable programming, including Madison

^{1/} *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, MB Docket No. 07-269, *Supplemental Notice of Inquiry*, 24 FCC Rcd. 4401 (2009) (“Supplemental NOI”).

^{2/} Within Cablevision’s footprint, MVPD service is offered by Verizon or AT&T, RCN, DirecTV, and Dish Network.

^{3/} Verizon has an enterprise value of over \$153 billion, Yahoo Finance, Verizon Communications Inc., Key Statistics, *at* <http://finance.yahoo.com/q/ks?s=VZ> (last visited Aug. 27, 2009), and AT&T has an enterprise value of nearly \$226 billion, AT&T Inc., Key Statistics, *at* <http://finance.yahoo.com/q/ks?s=T> (last visited Aug. 27, 2009). By comparison, Cablevision’s enterprise value is not quite \$18 billion. Yahoo Finance, Cablevision Systems Corporation (CVC), Key Statistics, *at* <http://finance.yahoo.com/q/ks?s=CVC> (last visited Aug. 27, 2009).

Square Garden’s MSG HD and MSG+ HD.^{4/} Their proposal is barred by the express language of the program access statute, which limits the ambit of section 628(b) to satellite cable programming. Their claims also ignore the fact that their customers have access to all of the professional sports events available on MSG HD and MSG+ HD and that Verizon and AT&T are firmly entrenched in the marketplace and continue to solidify and expand their positions without access to these HD services. In fact, Verizon claims that it has *more* HD and sports programming than Cablevision, rendering any claim of competitive harm specious.

Rather than expanding the scope of the program access rules, consumers would be better served if the Commission removed the exclusivity ban for all programming – including satellite cable programming – in local markets like the NYMA that are subject to robust and durable video competition.^{5/}

I. EXTENDING PROGRAM ACCESS RULES TO TERRESTRIAL PROGRAMMING COUNTERVENES THE LAW AND IGNORES THE REALITIES OF THE VIDEO MARKETPLACE

A. Section 628 Applies Only to Satellite-Delivered Programming.

Section 628 of the Communications Act clearly provides that the ambit of the program access rules is limited to satellite cable programming. This construction of those rules has been recognized and reiterated by the Commission on numerous occasions.^{6/} The forced sharing

^{4/} See Comments of AT&T, MB Docket No. 07-269, at 2-4 (filed July 29, 2009); Comments of Verizon, MB Docket No. 07-269 (filed July 29, 2009).

^{5/} Indeed, Cablevision believes the exclusivity ban is inconsistent with the state of technology and the marketplace and should be eliminated generally. *Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communications Act: Sunset of Exclusive Contract Prohibition*, Comments of Cablevision Systems Corporation at 5 (filed Apr. 2, 2007). The Commission’s order extending the exclusivity ban is currently under appeal to the D.C. Circuit. *Cablevision Sys. Corp. v. FCC*, No. 07-1425 (D.C. Cir. filed Oct. 19, 2007).

^{6/} See *DirecTV, Inc. v. Comcast Corp.*, 13 FCC Rcd. 21822, ¶ 25 (1998) (“*DirecTV Order*”); *EchoStar Communications Corp. v. Comcast Corporation*, 14 FCC Rcd. 2089, ¶ 21 (1999) (“*EchoStar Order*”); *RCN Telecom Services of New York, Inc. v. Cablevision Systems, Inc. et al.*, 14 FCC Rcd.

provisions in section 628 applicable to satellite cable programming represent a narrow exception to the prevailing marketplace norm that firms are free to choose the distributors for their products.

While the Commission's *MDU Exclusivity Order*^{7/} held that section 628(b) authorizes regulation of certain unfair practices that go beyond restrictions on access to programming, nothing in that *Order* or the D.C. Circuit's opinion upholding it^{8/} alters the fact section 628(b) applies only to *satellite* cable programming.^{9/} Less than two years ago, the Commission correctly rejected invitations from AT&T and Verizon to expand the program access rules to terrestrial programming.^{10/} The D.C. Circuit's opinion does not now empower the Commission to override the express and specific limitation on the scope of its authority in section 628 established by Congress. To the contrary, the opinion expressly reiterates that an agency has no authority to construe a statute in a manner that would "render nugatory restrictions that Congress

17093, ¶ 25 (1999) ("RCN Order"); *DirecTV, Inc. and EchoStar Communications Corp. v. Comcast Corp.*, 15 FCC Rcd. 22802, ¶ 12 (2000); *RCN Telecom Services of New York, Inc., et. al. v. Cablevision Systems, Inc. et al.*, 16 FCC Rcd. 12048, ¶¶ 14-17 (2001); *Everest Midwest Licensee v. Kansas City Cable Partners and Metro Sports*, 18 FCC Rcd. 26679, ¶ 7, n. 34 (2003); *AT&T Services Inc. and Pacific Bell Telephone Company d/b/a SBC California d/b/a AT&T California v. CoxCom, Inc.*, 24 FCC Rcd. 2859, ¶ 13 (2009) ("AT&T/CoxCom Order").

^{7/} *Exclusive Contracts for Provision of Video Services in Multiple Dwelling Units and Other Real Estate Developments*, 22 FCC Rcd. 20235 (2007) ("MDU Exclusivity Order").

^{8/} *Nat'l Cable & Telecomms. Ass'n v. FCC*, 567 F.3d 659 (D.C. Cir. 2009) ("NCTA v. FCC").

^{9/} See e.g., *Hi-Craft Clothing Co. v. NLRB*, 660 F.2d 910, 916 n.3 (3rd Cir. 1981) (Congressional intention to exclude certain class of persons from coverage under statute precluded agency from using regulatory authority to subject to statute a member of the excluded category); *Amer. Petroleum Inst. v. EPA*, 52 F.3d 1113, 1119 (D.C. Cir. 1995) (agency "cannot rely on its general authority to make rules necessary to carry out its functions when a specific statutory directive defines [its] relevant functions . . . in a particular area"). See also *West Virginia Univ. Hosps., Inc. v. Casey*, 499 U.S. 83, 101 (1991) (courts may not construe statutes in a manner that enlarges their application when language plainly conveys a Congressional intention to limit their scope).

^{10/} *Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communications Act: Sunset of Exclusive Contract Prohibition*, 22 FCC Rcd. 17791, ¶ 78 (2007).

has imposed.”^{11/} Verizon’s distorted reading of the statute would contravene the court’s admonition that any action taken by the Commission under the unfair practices provision must comport with “Section 628’s actual words,”^{12/} which do not authorize regulation of terrestrial programming.

AT&T and Verizon ignore previous Commission findings that Congress deliberately rejected applying the program access rules to programming that is not satellite-delivered.^{13/} Congress also specifically considered and rejected application of program access requirements to terrestrial programming.^{14/} As the Commission has held previously in rejecting section 628(b) claims seeking access to terrestrial programming, it is not “unfair or deceptive” for programmers to “exercis[e] competitive choices that Congress deemed legitimate.”^{15/} Based upon the Act’s clear language and the Commission’s numerous precedents, the Media Bureau this year – after the adoption of the *MDU Exclusivity Order* – reiterated that “under existing precedent, there is no basis for” granting relief for withholding of terrestrial programming.^{16/}

^{11/} *NCTA v. FCC*, 567 F.3d at 666.

^{12/} *Id.*

^{13/} The Commission has observed that: “In enacting Section 628, Congress determined that while cable operators generally must make available to competing MVPDs vertically-integrated programming that is satellite-delivered, they do not have a similar obligation with respect to programming that is terrestrially-delivered.” *RCN Order* ¶ 25. Instead, the statute affirms “a specific intention to limit the scope of the provision to satellite services.” *EchoStar Order* ¶ 21.

^{14/} *RCN Order* ¶ 26 (“[T]he legislative history of Section 628 . . . indicates that the version of the program access provision that the Senate adopted would have extended to terrestrially-delivered programming services but the House bill, that was eventually adopted, did not.”)

^{15/} *EchoStar Order* ¶ 29; *DirecTV Order* ¶ 33.

^{16/} *AT&T/CoxCom Order* ¶ 13.

B. The Lack of Access to Terrestrial Programming Does Not Violate Section 628(b) Because It Has Not “Hindered Significantly” or “Prevented” Verizon and AT&T From Providing Satellite Programming or Otherwise Thriving in the Video Marketplace.

Even if section 628(b) were somehow applicable to certain terrestrially-delivered services, it is clear that the unavailability of MSG HD and MSG+ HD has not “hinder[ed] significantly” or “prevented[ed]” Verizon and AT&T, both exponentially larger than Cablevision and among the largest communications companies on the planet, from providing satellite programming.^{17/} As a threshold matter, both Verizon and AT&T carry the standard definition (SD), satellite-delivered MSG and MSG+ services, which exhibit all professional games shown on MSG HD and MSG+ HD. Thus, the lack of access to MSG HD and MSG+ HD has not prevented either Verizon or AT&T from providing any local professional sports programming to their subscribers. Verizon’s invocation of prior Commission statements regarding the withholding of sports programming in Philadelphia and San Diego is therefore inapposite here^{18/} because, unlike those situations, no competing MVPD in the NYMA is prevented from providing any local games to its subscribers.

As NCTA has demonstrated, moreover, the facts dispel any notion that the lack of particular programming is impeding the ability of Verizon and AT&T to grow and thrive in the video marketplace.^{19/} In the NYMA, they are formidable competitors. AT&T has garnered over 1.3 million customers in the short period of time it has been providing video service, making it the tenth largest MVPD in the country.^{20/} Only one year after launching its services in

^{17/} Cf. 47 U.S.C. § 548(b); Verizon Comments at 2; AT&T Comments at 3.

^{18/} Verizon Comments at 5.

^{19/} Reply Comments of National Cable & Telecommunications Assn., MB Docket No. 07-269 (filed June 22, 2009), at 5-7.

^{20/} Press Release, AT&T, U-verse TV Starts 2009 with Record Quarter (Apr. 23, 2009); Todd Spangler, *AT&T: 100,000-Plus Subs Through DirecTV In Q2*, MULTICHANNEL NEWS, July 23, 2009.

Connecticut, AT&T announced at the end of 2008 that its U-verse video services were “now available to approximately 370,000 living units” in the state.^{21/}

Verizon is now the eighth largest video programming distributor in the country.^{22/} In the NYMA, the number of Verizon FiOS TV subscribers more than doubled in 2008.^{23/} The launch of FiOS TV in New York City last year was widely credited with driving a dramatic rise in total video subscribers for Verizon,^{24/} and the company expects to offer service to a total of 800,000 households in the city by the end of 2009.^{25/} Even before launching FiOS TV in New York City, Verizon officials maintained that FiOS TV had been having “great success in the suburban areas around the city.”^{26/} Likewise, Verizon officials have characterized the response to FiOS TV from New Jersey consumers “as nothing short of astounding.”^{27/} Verizon’s competitive strength is reflected by its recent rate hike for FiOS TV in the New York area, with a company official

^{21/} Press Release, AT&T, AT&T Connecticut Celebrates One-Year Anniversary as Competitive Video Service Provider; Rapid Deployment of AT&T U-verse Benefits Connecticut Consumers (Nov. 8, 2008).

^{22/} Todd Spangler, *FiOS TV Cracks 2.5 Million Subs*, MULTICHANNEL NEWS, July 27, 2009.

^{23/} According to its Copyright Office filings, the number of subscribers served by Verizon in New York and New Jersey more than doubled last year, increasing from approximately 170,000 to more than 400,000. *See* Verizon New York Inc. and Verizon New Jersey Inc. Statements of Account for Secondary Transmissions by Cable Systems, SA3 Long Form, Accounting Periods ending Dec. 31, 2007, and Dec. 31, 2008 (on file with the U.S. Copyright Office).

^{24/} *NYC FiOS TV Launch Credited for Verizon’s Record Q4*, NYCONVERGENCE.COM (Jan. 28, 2009) at <http://www.nyconvergence.com/2009/01/nyc-fios-tv-launch-credits-for-verizons-record-q4.html> (“The launch of FiOS TV in the five boroughs last year has helped Verizon sign on a record number of subscribers for FiOS in the fourth quarter of 2008. Verizon ended the year with 1.9 million customers, which is 1 million more than the company had in the end of ‘07.”).

^{25/} Press Release, Verizon, Verizon FiOS TV Celebrates First Year of Operation in New York City (July 28, 2009).

^{26/} *Verizon’s FiOS TV Opens for Business*, CRAIN’S NEW YORK BUSINESS (July 28, 2008).

^{27/} Press Release, Verizon, Verizon Ends Year by Expanding FiOS TV and Internet to Seven More New Jersey Cities and Towns (Dec. 16, 2008).

commenting that it “was feeling good enough about its brand position that it could charge a premium price even as it tried to steal customers from cable.”^{28/}

There is nothing improper about Cablevision declining to share with competitors programming that is not covered by the program access rules. Exclusivity is a standard practice in the media and communications business.^{29/} In a competitive environment such as NYMA, it is entirely proper that Cablevision chooses to exercise its lawful choice not to share the fruits of its successful investment in HD sports programming with its fiercest rivals.^{30/} Verizon itself has stated that “[i]f parties who have not shared the risks are able to come in as equal partners on the successes, and avoid payment for the losers, the incentive to invest plainly declines.”^{31/}

Verizon’s suggestion that it is somehow improper for a cable operator to publicize its carriage of programming not subject to the program access rules^{32/} has no basis in law and is contrary to Verizon’s own practices. Congress specifically permitted cable operators to decline to license affiliated terrestrial programming to their competitors. There is nothing untoward

^{28/} Saul Hansell, *Verizon Raises FiOS Prices, but Hardly Mentions It*, NY TIMES.COM (June 22, 2009) at <http://bits.blogs.nytimes.com/2009/06/22/verizon-raises-fios-prices-but-hardly-mentions-it/>.

^{29/} See *Rural Cellular Association Petition for Rulemaking Regarding Exclusivity Arrangements Between Commercial Wireless Carriers and Handset Manufacturers*, RM-11497, Comments of Verizon Wireless, Inc., Attachment A, at 10 (Feb. 2, 2009) (“Verizon Wireless Exclusivity Comments”) (Using “exclusive content as a way of differentiating” is commonplace in the video programming business.).

^{30/} Likewise, the fact that cable operators may sell programming not subject to Section 628 to other MVPDs, but not to Verizon or AT&T, is not evidence of anticompetitive animus. Cf. Verizon Comments at 3; AT&T Comments at 3. Further, granting Verizon or AT&T a license to distribute MSG HD and MSG+ HD in markets that are not served by a Cablevision system would undercut the company’s attempt to use those services as a product differentiator. Such a decision likely would dilute the efficacy of Cablevision’s marketing efforts and engender customer confusion. As a result, much, if not all, of the benefits accruing from the use of MSG HD and MSG+ HD as product differentiators would be lost. Notably, both Verizon and AT&T’s exclusive agreements for handheld devices apply nationwide, including in markets that are not served by their respective wireless networks.

^{31/} Verizon Wireless Exclusivity Comments at 20-21 (citing *United States Telecomm. Ass’n v. FCC*, 290 F.3d 415,424 (D.C. Cir. 2002)).

^{32/} Verizon Comments at 3.

about Cablevision highlighting items that differentiate its service or alerting consumers to reasons for selecting its video offerings over Verizon's.

Verizon itself is a vigorous proponent of using exclusivity to strengthen its position as the nation's largest wireless provider.^{33/} In the video business, Verizon recently announced the launch of its own exclusive regional channels, FiOS One Long Island and FiOS One New Jersey, which will feature news, sports, weather and local information, and entertainment programming that "won't be found on cable TV."^{34/} Ironically, Verizon uses the availability of HD services on FiOS to differentiate itself from Cablevision.^{35/} Verizon runs ads claiming it "has more HD than . . . Cablevision" and that "FiOS is the network built for HD."^{36/} As one industry publication noted, Verizon clearly is "looking for every ounce of differentiation between FiOS TV and cable."^{37/} AT&T similarly touts its HD offerings as a competitive differentiator with cable,

^{33/} See generally Verizon Wireless Exclusivity Comments. Likewise, AT&T ardently defends its exclusive control over the wireless service available to iPhone users, asserting that "exclusive marketing and distribution arrangements are simply one more form of beneficial product differentiation." AT&T Wireless Exclusivity Comments at 7-8.

^{34/} Press Release, Verizon, Verizon Launches FiOS One Channels on Long Island and in Northern New Jersey (June 22, 2009).

^{35/} *Verizon's Terry Denson on DVR, HD, targeted ads*, FIERCE IPTV, Mar. 10, 2009, <http://www.fierceiptv.com/story/verizons-terry-denson-dvr-hd-targeted-ads/2009-03-10> ("The HD channel war will continue. For the next three years, it will still be a hotly contested area. As long as it necessitates a service change, it's something that puts the customer in play as a shopper."). See also Press Release, Verizon, Disney-ABC Television Group and Verizon FiOS TV Expand ABC's Video-On-Demand Offering, Verizon Launches New Fast-Forward-Disabled Content From ABC in FiOS TV's Industry-Leading VOD Library (Oct. 28, 2008) ("FiOS TV is the only service to consider for customers who want the best HD experience"); Press Release, Verizon, Verizon to Distribute YES Network Nationally in High Definition to FiOS 'Extreme HD' Subscribers, Under Multiyear Agreement (Apr. 13, 2009) ("FiOS TV is the best place to watch sports.").

^{36/} See, e.g., Verizon Internet Advertisement, *Discover Verizon FiOS Triple Freedom - Better*, at <http://www22.verizon.com/Residential/Specific+Bundles/Vz+FiOS+Trpl+Freedom+Better/124225> (last visited Aug. 24, 2009) ("Only Verizon can deliver the best HD experience, because FiOS is the 100% fiber-optic network built for HD."); Press Release, Verizon, Verizon FiOS TV Delivers 100 High-Definition Channels to New Yorkers - on the Network Built for HD, July 28, 2008 ("FiOS TV in New York Metro Area Now Offers More HD Channels Than . . . Cablevision.").

^{37/} Todd Spangler, *Verizon Weaves Web into FiOS TV*, MULTICHANNEL NEWS (July 15, 2009).

saying, for example, that “the U-verse TV HD channel lineup continues to exceed the HD channel lineups offered by the major local cable providers in every U-verse TV market.”^{38/}

II. THE COMMISSION SHOULD RELAX, RATHER THAN EXPAND, THE PROGRAM ACCESS RULES’ EXCLUSIVITY BAN IN COMPETITIVE LOCAL MARKETS SUCH AS THE NYMA.

Rather than expanding the program access rules to encompass terrestrial program services, consumers would be better served if the Commission removed the exclusivity ban for all programming – including satellite cable programming – in local markets like the NYMA that are subject to robust and durable video competition.^{39/} In such highly competitive markets, each provider is driven to respond to market forces by investing in risky and innovative offerings in order to differentiate itself from other providers, thereby enhancing consumer welfare. In the NYMA, this is true not only for Cablevision, Verizon, and AT&T, but also for DirecTV (which continues to offer NFL Sunday Ticket and other programming on an exclusive basis) and Dish Network (which has exclusive distribution rights to numerous foreign language programming services). This robust competition expands the quantity, quality, and diversity of services available to consumers.

The Commission and the courts have emphasized that mandatory sharing arrangements are appropriate only where a “granular analysis” of local market conditions demonstrates that competition will be impaired absent the provision of unbundled network elements to

^{38/} Press Release, AT&T, AT&T U-verse TV Lineup Expands to Include Six New HD Channels from MTV Networks (May 15, 2009). *See also, e.g.*, Press Release, AT&T, AT&T U-verse TV Lineup Expands to 100 or More High Definition Channels in Every U-Verse TV Market (Mar. 2, 2009) (“For viewers who want more High Definition (HD) channels at a great value, cable isn’t even a question.”).

^{39/} *See* Cablevision 2008 Program Access Comments at 12-13; *see also Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communications Act: Sunset of Exclusive Contract Prohibition*, MB Docket No. 07-198, Reply Comments of Cablevision Systems Corporation, (filed February 12, 2008) at 3-10.

competitors.^{40/} As demonstrated above, a granular analysis of the NYMA demonstrates that such sharing arrangements are no longer warranted. Commission orders have recognized that Cablevision faces effective competition in franchise areas serving more than 85% of its subscribers, including areas in which it competes directly with Verizon and AT&T.^{41/} Even without guaranteed access to terrestrial programming, Verizon and AT&T have invested substantial capital deploying video-capable broadband network infrastructure to millions of homes in New York, New Jersey, and Connecticut. Both companies enjoy network footprints, market reach, and financial resources of formidable size and strength – and each has been providing communications services to the vast majority of households within its respective market for decades.

Consumers are better served by having MVPDs compete through product differentiation strategies, than by compelling rivals to offer copycat versions of the same product. Verizon itself has stated that exclusive arrangements “promote innovation and consumer choice, are not implemented for anti-competitive purposes,” and that such agreements “play an important role in

^{40/} See, e.g., *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 18 FCC Rcd. 16978, ¶ 118 (2003) (“*Triennial Review Order*”) (citing *United States Telecom Ass’n v. FCC*, 290 F.3d 415, 422 (D.C. Cir. 2002) (“*USTA I*”)) (subsequent history omitted); *Unbundled Access to Network Elements*, 20 FCC Rcd. 2533, ¶ 8 (2005) (“*Triennial Review Remand Order*”) (noting *USTA I* rejected national sharing obligations because they were “insufficiently ‘granular’” and “did not account for differences in particular markets and particular customer classes”), *aff’d Covad Commc’ns Co. v. FCC*, 450 F.3d. 528, 544 (D.C. Cir. 2006) (noting that that “*USTA I* and *USTA II* require a nuanced application of a ‘granular’ impairment standard, which incorporates competitive variations within and across markets”).

^{41/} See, e.g., *Cablevision Systems Long Island Corp., Cablevision Systems Suffolk Corp., CSC Holdings, Inc., and Cablevision of Brookhaven, Inc. Petition for Determination of Effective Competition in Seven Communities in New York State*, 24 FCC Rcd. 4877 (2009); *Cablevision Systems New York City Corp. Petition for Determination of Effective Competition in Brooklyn and Bronx, New York (CUIDs NY1413 and 1414)*, 24 FCC Rcd. 1798 (2009); *Subsidiaries of Cablevision Systems Corporation, Petitions for Determination of Effective Competition in 101 Communities in New Jersey*, 23 FCC Rcd 14141 (2008); *Cablevision of Litchfield, Inc. Petition for Determination of Effective Competition in Eight Connecticut Communities*, 23 FCC Rcd. 16614 (2008); *Cablevision of Connecticut, L.P. and Cablevision Systems of Southern Connecticut, L.P. Petition for Determination of Effective Competition in various Connecticut Communities*, 23 FCC Rcd. 8358 (2008).

marketing, competition and differentiating one provider from other providers.”^{42/} All companies competing in the NYMA are pursuing a broad range of competitive differentiation strategies, and the intensifying competition will fuel similar efforts by other competitors in the marketplace that seek to make their product offerings more unique and attractive.

The D.C. Circuit today recognized the “ever increasing competition among video providers.”^{43/} Removing the exclusivity ban in local markets with durable competition would promote consumer welfare by encouraging innovation and investment in programming, thereby providing consumers with more choice and more competition.

CONCLUSION

For the reasons explained above, the Commission should not extend the program access rules to any programming that is not satellite-delivered and should allow cable operators to seek relief from the exclusivity ban in competitive local markets.

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Respectfully submitted,

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^{42/} Verizon Wireless Exclusivity Comments at 3.

^{43/} *Comcast Corp. v. FCC*, No. 08-1114, slip op. at 14 (D.C. Cir. Aug. 28, 2009).

CERTIFICATE OF SERVICE


I, Ernest C. Cooper, hereby certify that on this 28th day of August 2009, the foregoing Reply Comments of Cablevision Systems Corporation was filed electronically through the FCC's Electronic Comments Filing System (ECFS) and copies were served on the following as indicated:

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